

31

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LAW OFFICES OF
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2844 FRESNO STREET
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FRESNO, CALIFORNIA 93716
TELEPHONE (559) 486-5200

Attorneys for Plaintiffs

10 IN THE UNITED STATES BANKRUPTCY COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION

14 In re) NO. 17-13797
15 TULARE LOCAL HEALTHCARE)
DISTRICT dba TULARE) Chapter 9
16 REGIONAL MEDICAL CENTER,) DCN: ASM-1
17)
18 Debtor.)
19)
20 Tax ID#: 94-6002897)
Address: 869 N. Cherry Street) Date: November 15, 2017
21 Tulare, CA 93274) Time: 1:30 p.m.
) Place: 2500 Tulare St.
22) 5th Flr.
) Fresno, CA 93721
23) Ctrm: 13
) Dept: B
) Judge: Rene Lastreto II

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EXHIBIT INDEX

Exhibit	Page	Description
Exhibit "A"	3	True and correct copy of movants/plaintiffs' Complaint for Medical Negligence- Wrongful Death; and Emotion Distress filed on June 14, 2017 in the Superior Court of California, County of Tulare Case No. 270010.
Exhibit "B"	20	True and correct copy of defendant Tulare Regional Medical Center Responses to Plaintiffs' Form Interrogatory Set One Number 4.2 regarding insurance coverage.
Exhibit "C"	27	True and correct copy of Plaintiffs Offer to Compromise Before Commencement of Trial per Cal. Code of Civil Procedure §998 seeking insurance proceeds against TULARE REGIONAL MEDICAL CENTER for the sum of Five Hundred and Fifty Four Thousand, Six Hundred and Five Dollars and Twenty-three cents (\$554,605.23).

-000003-

EXHIBIT “A”

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT: TULARE REGIONAL MEDICAL CENTER;
(AVISO AL DEMANDADO): REBECCA A. ZULIM, M.D.; JATINDER
 CHOPRA, M.D.; and DOES 1 through 20

YOU ARE BEING SUED BY PLAINTIFF: THOMAS J. GRIESBACH,
(LO ESTÁ DEMANDANDO EL DEMANDANTE): Individually, and
 as Successor in Interest to the ESTATE OF CHRISTINE
 L. GRIESBACH; AMY S. FERREIRA; and MATHEW J.
 GRIESBACH

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. *¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.*

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
 (El nombre y dirección de la corte es):

TULARE COUNTY SUPERIOR COURT
 221 South Mooney Boulevard
 221 South Mooney Boulevard
 Visalia, California 93291

CASE NUMBER
 (Número del Caso)
270010

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
 Richard C. Watters, Esq. 060162 (559) 486-5200 (559) 486-5240

MILES, SEARS & EANNI

2844 Fresno Street, P.O. Box 1432
 Fresno, California 93716

DATE: JUN 14 2017

(Fecha)

Clerk, by _____ Deputy
 (Secretario) (Adjunto)

R. Payne
Check
Agosto

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.

2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

under: CCP 416.10 (corporation)

CCP 416.20 (defunct corporation)

CCP 416.40 (association or partnership)

other (specify):

CCP 416.60 (minor)

CCP 416.70 (conservatee)

CCP 416.90 (authorized person)

4. by personal delivery on (date):

[SEAL]

COURT SEAL

SUMMONS

Legal
 Solutions
 & Plus

Page 1 of 1
 Code of Civil Procedure §§ 412.20, 465

Form Adopted for Mandate Use
 Judicial Council of California
 SUM-100 (Rev July 1, 2009)

-000004-

RICHARD C. WATTERS, ESQ. - 060162
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FRESNO, CALIFORNIA 93718
TELEPHONE (559) 486-5200

(SPACE BELOW FOR FILING STAMP ONLY)

JUN 11 2017

BY LUCILLE CLEEK, CLERK
Peter

Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE

21 Plaintiffs complain of defendants, and each of them, and
22 alleges as follows:

PRELIMINARY ALLEGATIONS

24 1. Plaintiff, THOMAS J. GRIESBACH, and decedent, CHRISTINE
25 L. GRIESBACH, were legally married and were husband and wife prior
26 to the date of the subject incident which occurred on or about
27 September 16-17, 2016.

28 //

1 2. Plaintiffs, AMY S. FERREIRA and MATHEW J. GRIESBACH, were
2 the natural children of decedent, CHRISTINE L. GRIESBACH.

3 3. That prior to the commencement of this action, and on
4 February 23, 2017, a Written Claim for Damages was presented to the
5 Clerk of the Board of TULARE REGIONAL MEDICAL CENTER and is
6 attached hereto as Exhibit "A". Said claim was REJECTED by the
7 board on March 22, 2017.

8 4. That plaintiffs are unaware of the true names and
9 capacities of defendants named herein as DOE 1 through DOE 20
10 ("DOES 1-20"), inclusive, and each of them, and therefore
11 plaintiffs sue said defendants by such fictitious names and will
12 move to amend to insert the true names of said defendants when the
13 true names, identities and acts giving rise to their liability in
14 regard to the above-entitled action, become known to plaintiffs.
15 Plaintiffs are informed and believe and therefore allege that each
16 of the defendants designated herein as a DOE defendant is
17 responsible in some manner for the events and happenings referred
18 to herein, and for negligently and wrongfully causing the personal
19 injuries and economic damages hereinafter alleged.

20 5. That at all times and places mentioned herein, defendant
21 TULARE REGIONAL MEDICAL CENTER was a hospital licensed to do
22 business in the County of Tulare, State of California, and that
23 said defendant employs physicians, nurses, assistants, attendants
24 and other persons to care for and treat patients who are admitted
25 at said facility.

26 6. That at all time and places mentioned herein, defendant,
27 REBECCA A. ZULIM, M.D., was and is a medical doctor licensed to
28 practice under the laws of the State of California and was and is

1 practicing medicine in the County of Tulare, State of California.

2 7. That at all time and places mentioned herein, defendant,
3 JATINDER CHOPRA, M.D., was and is a medical doctor licensed to
4 practice under the laws of the State of California and was and is
5 practicing medicine in the County of Tulare, State of California.

6 8. That at all times and places mentioned herein, DOE ONE
7 through DOE TWENTY, inclusive, and each of them, were physicians,
8 surgeons, chiropractors and other medical practitioners and medical
9 providers, licensed to practice medicine and surgery and
10 chiropractic in the State of California, with offices in the County
11 of Tulare, and each of them has held themselves out to possess that
12 degree of skill, ability and learning common to medical
13 practitioners in said community.

14 9. That at all times and places mentioned herein the
15 defendants, and each of them, were agents, servants and employees
16 of each other and of the other defendants named herein, and each of
17 them, and in doing the things hereinafter mentioned, were acting
18 within the course and scope of their authority as such agents,
19 servants and employees.

FIRST CAUSE OF ACTION

MEDICAL NEGLIGENCE - - WRONGFUL DEATH AS TO DEFENDANTS

TULARE REGIONAL MEDICAL CENTER AND REBECCA ZULIM, M.D.

23 10. Plaintiffs restate and reiterate each and all of the
24 paragraphs and allegations set forth above, and make them part of
25 this cause of action as though fully set forth here.

26 11. That on or about September 16, 2016 to September 17,
27 2016, plaintiffs employed defendants, TULARE REGIONAL MEDICAL
28 CENTER; REBECCA A. ZULIM, M.D.; and DOES 1-10; to diagnose and

1 treat medical complaints then suffered by plaintiffs' decedent.
2 Pursuant to this employment, defendants, and each of them, by and
3 through their agents and employees, rendered professional services
4 in the diagnosis, treatment, and care of plaintiff for her
5 conditions.

6 12. That from and after the time of the employment,
7 defendants, and each of them, by and through their agents and
8 employees in the course and scope of their agency and employment,
9 negligently failed to exercise the proper degree of knowledge,
10 competence and skill in examining, diagnosing, treating and caring
11 for plaintiffs' decedent, and in providing the appropriate level of
12 medical care, and negligently rendered treatment to plaintiffs'
13 decedent, which breached the applicable standards of care. Among
14 other things, on or about September 16, 2016 to September 17,
15 2016, defendants failed to provide urgent and emergency care to
16 decedent for over twelve hours although she was diagnosed in the
17 emergency room with incarcerated strangulated ventral hernia and
18 acute abdominal pain secondary to incarcerated strangulated ventral
19 hernia at Tulare Regional Medical Center in Tulare, California.

20 13. In addition, from and after the time of the employment,
21 defendants TULARE REGIONAL MEDICAL CENTER; REBECCA A. ZULIM, M.D.;
22 and each of them, by and through their agents and employees in the
23 course and scope of their agency and employment, negligently failed
24 to render competent emergency surgery or in the alternative
25 transferring decedent STAT via ambulance or air ambulance to a
26 facility equipped to perform immediate surgery. If either had been
27 accomplished, it is our contention she would have survived. The
28 conduct at this facility including the management, nurses, staff

1 and doctors involved was negligent, grossly failed the standard of
2 care, and resulted in the death of CHRISTINE L. GRIESBACH.

3 14. That as a direct and proximate result of the negligence,
4 acts, conduct, and omissions of defendants, plaintiffs' decedent
5 sustained injury to her health, and wrongful death. As a result,
6 plaintiffs have suffered great physical and emotional pain,
7 suffering, distress, embarrassment, fright, shock and humiliation,
8 loss of love, companionship, comfort, care, assistance, protection,
9 affection, society and moral support, all to their damage in an
10 amount subject to proof.

11 15. That as a further direct and proximate result of the
12 negligence, acts, conduct and omissions of the defendants, and each
13 of them, plaintiffs' decedent was prevented from pursuing her usual
14 occupation and activities, all to her past and future special
15 damages in an amount not now known to her, but subject to proof.

SECOND CAUSE OF ACTION

MEDICAL NEGLIGENCE - WRONGFUL DEATH AS TO DEFENDANT

JATINDER CHOPRA, M.D.

19 16. Plaintiffs restate and reiterate each and all of the
20 paragraphs and allegations set forth above, and make them part of
21 this cause of action as though fully set forth here.

22 17. That on or about September 13, 2016, and for many years
23 before that time, plaintiffs employed defendant, JATINDER CHOPRA,
24 M.D., and DOES 11-20, to diagnose and treat medical complaints then
25 suffered by plaintiffs' decedent. Pursuant to this employment,
26 defendants, and each of them, by and through their agents and
27 employees, rendered professional services in the diagnosis,
28 treatment, and care of plaintiff for her conditions. When Dr.

1 Chopra saw Mrs. Griesbach as his patient on February 1, 2013, it
2 was stated under History of Present Illness that Dr. Chopra was
3 following up from surgery and she was recently discharged from TRMC
4 due to incarcerated hernia repair.

5 18. That from and after the time of the employment,
6 defendants, and each of them, by and through their agents and
7 employees in the course and scope of their agency and employment,
8 negligently failed to exercise the proper degree of knowledge,
9 competence and skill in examining, diagnosing, treating and caring
10 for plaintiffs' decedent, and in providing the appropriate level of
11 medical care, and negligently rendered treatment to plaintiffs'
12 decedent, which breached the applicable standards of care. Among
13 other things, defendant failed the applicable standard of care in
14 multiple ways and essentially should have referred Mrs. Griesbach
15 to an emergency room for an examination, treatment and surgery by
16 a general surgeon immediately upon her presentation on September
17 13, 2016, at 9:45 a.m. If that had have been done, it is our
18 contention she would have survived.

19 19. That as a direct and proximate result of the negligence,
20 acts, conduct, and omissions of defendants, plaintiffs' decedent
21 sustained injury to her health, and wrongful death. As a result,
22 plaintiffs have suffered great physical and emotional pain,
23 suffering, distress, embarrassment, fright, shock and humiliation,
24 loss of love, companionship, comfort, care, assistance, protection,
25 affection, society and moral support, all to their damage in an
26 amount subject to proof.

27 20. That as a further direct and proximate result of the
28 negligence, acts, conduct and omissions of the defendants, and each

1 of them, plaintiffs' decedent was prevented from pursuing her usual
2 occupation and activities, all to her past and future special
3 damages in an amount not now known to her, but subject to proof.

4 **THIRD CAUSE OF ACTION**

5 **EMOTIONAL DISTRESS**

6 21. Plaintiffs restate and reiterate each and all of the
7 paragraphs and allegations set forth above, and make them part of
8 this cause of action as though fully set forth here.

9 22. That at all times and places mentioned herein,
10 plaintiffs, THOMAS J. GRIESBACH and AMY S. FERREIRA were in close
11 proximity to the hereinabove incidents, in that they were present
12 throughout CHRISTINE L. GRIESBACH's medical demise from September
13 16, 2016 through September 17, 2016, and in particular Thomas J
14 Griesbach, husband, and Amy S. Ferreira, daughter, were invited
15 into the surgery room by a nurse after being told that the
16 decedent's heart had stopped and they were working on her. Mrs.
17 Griesbach was alive. Both of them saw this occurring and saw the
18 CPR occurring. They were both present when last rights were
19 administered to the decedent in the surgery room by Father Robert
20 Urizalque, Priest at St. Aloysius Catholic Church. Plaintiffs,
21 THOMAS J. GRIESBACH and AMY S. FERREIRA were the legal heirs of
22 CHRISTINE L. GRIESBACH, during these incidents and observed
23 injuries occur to their loved one over that time.

24 23. That as a direct and proximate result of the negligence,
25 omissions, conduct and acts of the defendants, and each of them,
26 the plaintiffs, THOMAS J. GRIESBACH and AMY S. FERREIRA, sustained
27 certain severe and painful injuries, including, but not limited
28 to, great emotional distress and shock to the nerves and nervous

1 system, as well as mortification, humiliation, horror, grief,
2 fright, shame, ridicule, nausea and embarrassment, and said
3 plaintiffs are informed and believe, and upon such information and
4 belief allege that they will continue to suffer from the injuries
5 for some indefinite period of time in the future, and that as a
6 direct and proximate result of the said negligence, acts, conduct,
7 and omissions of the defendants, and each of them, said plaintiffs
8 have been generally damaged in an amount in excess of the
9 jurisdictional limits.

10 **FOURTH CAUSE OF ACTION**

11 **SURVIVORS CAUSE OF ACTION**

12 **(C.C.P. §377.30)**

13 24. Plaintiffs restate and reiterate each and all of the
14 paragraphs and allegations set forth above, and make them part of
15 this cause of action as though fully set forth here.

16 25. THOMAS J. GRIESBACH brings this cause of action as
17 Successor In Interest to the ESTATE OF CHRISTINE L. GRIESBACH.

18 26. That as a direct and legal result of the above-described
19 negligence, acts, conduct and omissions of the defendants, and each
20 of them, the Decedent, CHRISTINE L. GRIESBACH, suffered severe and
21 painful injuries, all of which resulted in damages incurred by
22 Decedent, CHRISTINE L. GRIESBACH, prior to her death, and in
23 damages to plaintiffs as alleged herein above and herein below.

24 27. That medical bills and funeral bills accrued at the time
25 of the death of CHRISTINE L. GRIESBACH and plaintiffs claim them as
26 damages, along with all other elements of damages pled, as a legal
27 cause of the negligence and conduct of the defendants as herein
28 stated and the wrongful death of decedent.

WHEREFORE, plaintiffs pray judgment against defendants, and
each of them, as follows:

- a. General/Non-Economic damages to be specified at a later date;
- b. Medical and incidental expenses, according to proof;
- c. Funeral, burial and incidental expenses, according to proof;
- d. All losses incurred because of plaintiffs inability to pursue their usual occupation and activities;
- e. Loss of financial support, according the proof;
- f. For costs of suit incurred herein;
- g. For prejudgment interest in accordance with law;
- h. For such other and further relief as to the court deems just and proper.

13 DATED: June 13, 2017

MILES, SEARS & EANNI

By: RICHARD C. WATTERS
RICHARD C. WATTERS
Attorneys for Plaintiffs

EXHIBIT “A”

-000014-

WRITTEN CLAIM FOR DAMAGES

2 TO: CLERK OF THE BOARD OF TULARE REGIONAL MEDICAL CENTER, aka
3 TULARE LOCAL HEALTH CARE DISTRICT; DOE ONE; DOE TWO; DOE THREE; DOE
FOUR; DOE FIVE; DOE SIX; DOE SEVEN; DOE EIGHT; DOE NINE and DOE TEN

4 This claim is being presented pursuant to Government Code
5 \$900 et seq., and all other pertinent Code Sections of the Codes,
Statutes and Laws of the State of California.

6 A. The names and addresses of Claimants:

7 CHRISTINE GRIESBACH (Deceased)
8 Date of Birth: [REDACTED]
9 Social Security Number: [REDACTED]
THOMAS J. GRIESBACH, Spouse
Date of Birth:
Social Security Number: [REDACTED]
10 413 E. Washington Avenue
Tulare, California 93274
11 (559) 688-0060
AMY S. FERREIRA, Daughter
12 Date of Birth:
Social Security Number: [REDACTED]
13 651 Helene Street
Tulare, California 93274
14 (559) 679-3419
MATHEW J. GRIESBACH, Son
15 Date of Birth:
Social Security Number: [REDACTED]
16 12381 Caminito Esmero
San Diego, California 92130
17 (415) 509-2673

18 B. The Post Office address to which the persons presenting
this claim desire notices to be sent is:

20 THOMAS J. GRIESBACH
21 AMY S. FERREIRA
22 MATHEW J. GRIESBACH
c/o Richard C. Watters, Esq.
MILES, SEARS & EANNI
Post Office Box 1432
23 Fresno, California 93716

24 C. The date, place and other circumstances of the occurrence
25 which give rise to the claim asserted are:

26 Date: September 16-17 2016

27 2. Location: TULARE REGIONAL MEDICAL CENTER
28 869 N. Cherry Street
 Tulare, California 93274

1 3. Circumstances:

2 The decedent arrived at Tulare Regional Medical
3 Center (TRMC) on September 16, 2016, at approximately
4 10:30 a.m. She received a diagnoses in the emergency
room report of:

5 1) incarcerated strangulated ventral hernia
6 2) acute abdominal pain secondary to incarcerated
strangulated ventral hernia, rule out sepsis

7 She had an abdominal ultrasound performed at TRMC
which was abnormal and the following was stated:

8 "A stat preliminary written report was sent to the
9 emergency department and Dr. Ostrom notified
directly by telephone"

10 A CT abdomen and pelvis without interic or IV
11 contrast and with reconstructions was performed at TRMC
12 with an impression that included a large bilobed
13 abdominal wall hernia; ... and a small amount of free
14 fluid in the peritoneal cavity consistent with insult to
the involved bowel was stated by the author as follows
"the STAT preliminary written report was sent to he
emergency department and Dr. Ostrom notified directly by
telephone"

15 The decedent was not taken to the operating suite
16 until approximately 11:00 p.m. A Code was called on the
patient on 9/17/16 at 12:27 a.m. The surgery had not
17 been performed at that time.

18 Thomas J Griesbach, husband, and Amy S. Ferreira,
19 daughter, were invited into the surgery room by a nurse
20 after being told that the decedent's heart had stopped
21 and they were working on her. Mrs. Griesbach was alive
Both of them saw this occurring and saw the CPR
occurring. They were both present when last rights were
administered to the decedent in the surgery room by
Father Robert Urizalque, Priest at St. Aloysius Catholic
Church.

22 4. Contentions:

23 It is contended that the treatment/lack of treatment
24 rendered at this facility, TRMC, was negligent and
25 grossly below the standard of care and that this facility
26 along with the nurses, staff and doctors involved were
27 negligent in not getting this emergency to the surgical
suite STAT or in the alternative transferring this
patient STAT via air ambulance to a facility equipped to
perform immediate surgery.

28 The conduct at this facility including the nurses,

1 staff and doctors involved was negligent, grossly failed
2 the standard of care, and resulted in the death of
Christine L. Griesbach.

3 Tulare Regional Medical Center was negligent for having
4 inadequate surgical facilities and being understaffed.

5. Damages:

6 The economic damages include the present value of lost
7 wages and benefits to include service retirement losses
at Cal-STRS along with funeral bills in the amount of
8 \$4,605.23. The lost wages, fringe benefits, and service
retirement estimate through Cal-STRS will be quantified
9 by an economist and presented according to proof. It
should amount to approximately \$1,000,000.00

10 The non-economic damages are as follows:

11 THOMAS J. GRIESBACH, AMY S. FERREIRA, MATHEW J.
GRIESBACH - Wrongful death of Christine L. Griesbach -
12 \$250,000.00 cap provided by MICRA

13 Emotional Distress of THOMAS J. GRIESBACH - the
\$250,000.00 cap provided by MICRA

14 Emotional Distress of AMY J. FERREIRA - the \$250,000.00
15 cap provided by MICRA

16 Jurisdiction over the claim of THOMAS J. GRIESBACH, AMY
17 S. FERRERIA and MATHEW J. GRIESBACH would rest in the Superior
Court.

19 DATED: February 23, 2017

20 MILES, SEARS & EANNI

21

22

By: RICHARD C. WATTERS

23 RICHARD C. WATTERS
Attorneys for Plaintiffs

24

25

26

27

28

1 PROOF OF SERVICE BY MAIL - C.C.P. §§1013(a), 2015.5

2 I, Christina Marquez, declare as follows:

3 My business address is MILES, SEARS & EANNI, 2844 Fresno
4 Street, Post Office Box 1432, Fresno, California, 93716. I am a
5 resident of, or employed in, Fresno County, the county where the
6 following mailing occurs. I am over the age of eighteen years and
7 not a party to the within entitled action. I am readily familiar
8 with the practice of MILES, SEARS & EANNI for collection and
9 processing of correspondence for mailing with the United States
10 Postal Service. In accordance with that practice, correspondence
11 will be deposited with the United States Postal Service on the
12 same date set forth below in the ordinary course of business. On
13 February 23, 2017, I served the within **WRITTEN CLAIM FOR DAMAGES** on
14 the interested parties in said action by placing a true copy
15 thereof for deposit in the United States Postal Service at my said
16 place of business. The envelopes were sealed and placed for
17 collection and mailing on that date following ordinary business
18 practices. The names and addresses of the persons served as shown
19 on the envelopes are as follows:

20 Clerk of the Board of
TULARE REGIONAL MEDICAL CENTER, aka
21 TULARE LOCAL HEALTH CARE DISTRICT
869 North Cherry Street
22 Tulare, California 93274

CERTIFIED MAIL

23 Charlene Dawson, Risk Manager
TULARE REGIONAL MEDICAL CENTER
24 869 North Cherry Street
Tulare, California 93274

CERTIFIED MAIL

25 Courtesy copy to: THOMAS J. GRIESBACH
26 413 E. Washington Avenue
27 Tulare, California 93274

28 /////

-000020-

EXHIBIT “B”

Richard S. Salinas #154959
Carol A. O'Neil #71282
WEISS-SALINAS LAW GROUP, INC.
7108 North Fresno Street, Suite 250
Fresno, California 93720
Telephone: (559) 438-2080
Facsimile: (559) 438-8363
rsalinas@weiss-salinas.com

6 Attorneys for Defendant TULARE REGIONAL MEDICAL CENTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF TULARE

11 THOMAS J. GRIESBACH, Individually, and) Case No. VCU270010
12 as Successor in Interest to the ESTATE OF)
13 CHRISTINE L. GRIESBACH; AMY S.) DEFENDANT TULARE REGIONAL
FERREIRA; and MATHEW J. GRIESBACH;) MEDICAL CENTER'S RESPONSES TO
14 Plaintiffs,) PLAINTIFFS' FORM
15 vs.) INTERROGATORIES—GENERAL
16 TULARE REGIONAL MEDICAL CENTER;) SET NO. ONE
17 REBECCA A. ZULIM, M.D.; JATINDER)
18 CHOPRA, M.D.; and DOES 1 through 20)
19 Defendants.) Action Filed: June 14, 2017
) Trial Date: NOT YET ASSIGNED

20 PROPOUNDING PARTY: Defendant, TULARE REGIONAL MEDICAL CENTER

21 | RESPONDING PARTY: Plaintiffs, THOMAS J. GRIESBACH, ET AL.

22 SET NUMBER: One (1)

23 Defendant, TULARE REGIONAL MEDICAL CENTER ("TRMC"), responds to
24 the Form Interrogatories – General, propounded by Plaintiffs, THOMAS GRIESBACH, ET AL.
25 ("Plaintiffs") Set Number One, as follows:

26 It should be noted that this responding party has not fully completed investigation
27 of the facts of this case, has not fully completed discovery in this action, and has not completed
28 preparation for trial. All of the responses contained herein are based only upon such information

DEFENDANT TULARE REGIONAL MEDICAL CENTER'S RESPONSES TO PLAINTIFFS' FORM
INTERROGATORIES—GENERAL, SET NO. ONE

1 **INTERROGATORIES NO. 4.2:**

2 Are you self-insured under any statute for the damages, claims, or actions that have
3 arisen out of the INCIDENT? If so, specify the statute.

4 **RESPONSE:**

5 Attorney Objections: Objection to the term "the INCIDENT," which is undefined and
6 vague and ambiguous. Without waiving this objection,

7 Answer: Yes. Pursuant to Government Code Section 6500 et seq., and Section 990 et
8 seq., BETA Healthcare Group Risk Management Authority administers risk-sharing pools under
9 a joint powers agreement. Tulare District Hospital is a Member of this risk-sharing pool with
10 \$10,000,000 limit of liability. The custodian of the coverage is BETA HealthCare Group, 1443
11 Danville Boulevard, Alamo, California, 94507, (925) 838-6070.

12 **INTERROGATORIES NO. 12.1:**

13 State the name, ADDRESS, and telephone number of each individual:

14 (a) who witnessed the INCIDENT or the events occurring immediately before or
15 after the INCIDENT;
16 (b) who made any statement at the scene of the INCIDENT;
17 (c) who heard any statements made about the INCIDENT by any individual at the
18 scene; and
19 (d) who YOU OR ANYONE ACTING ON YOUR BEHALF claim has knowledge of
20 the INCIDENT (except for expert witnesses covered by Code of Civil Procedure
21 section 2034).

22 **RESPONSE:**

23 Objection, this Interrogatory seeks to invade the attorney-client and work-product
24 privileges. (See Evidence Code § 950 *et seq.*, CCP § 2018.010 *et seq.*; *Roberts v. City of*
25 *Palmdale* (1993) 5 Cal.4th 363, 370-381.) Objection, this Interrogatory seeks to discover
26 information protected under Evidence Code § 1157 *et seq.* and other protected peer review
27 processes. Objection, this Interrogatory seeks to discover information that is protected under
28 the Health Information Portability and Accountability Act (HIPAA). Objection, this

1 available to Plaintiffs and their counsel through Quest Discovery Services. Defendant is not in
2 possession, custody or control of any medical records of Plaintiffs.

3 Dated: August 18, 2017.

WEISS-SALINAS LAW GROUP, INC.

4 By:

5 Richard S. Salinas

6 Carol A. O'Neil

7 Attorneys for Defendant

8 TULARE REGIONAL MEDICAL CENTER

9 108853; 01002.0102

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DEFENDANT TULARE REGIONAL MEDICAL CENTER'S RESPONSES TO PLAINTIFFS' FORM
INTERROGATORIES—GENERAL, SET NO. ONE

VERIFICATION

STATE OF CALIFORNIA)
)
COUNTY OF TULARE)

I have read the foregoing DEFENDANT TULARE REGIONAL MEDICAL CENTER'S RESPONSE TO PLAINTIFFS THOMAS J. GRIESBACH, ET AL., FORM INTERROGATORIES—GENERAL, SET ONE, and know its contents.

 CHECK APPLICABLE PARAGRAPHS

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am the CHIEF NURSING OFFICER, which is a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.

I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on 16th of August, 2017, at Tulare, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


ANGIE GRAZIANO, R.N., CHIEF NURSING OFFICER

1 PROOF OF SERVICE
2 CCP §§ 1011, 1013, 1013a, 2015.5
2 FRCP 5(b)

3 STATE OF CALIFORNIA, COUNTY OF FRESNO

4 I am employed in the County of Fresno, State of California. I am over the age of 18 and not
5 a party to the within action; my business address is 7108 North Fresno Street, Suite 250, Fresno,
California 93720.

6 On August 18, 2017, I served the document described as **DEFENDANT TULARE**
7 **REGIONAL MEDICAL CENTER'S RESPONSES TO PLAINTIFFS' FORM**
8 **INTERROGATORIES—GENERAL, SET NO. ONE**, on the interested parties in this action by
9 placing the true copies thereof enclosed in sealed envelope(s) addressee(s) as stated on the
attached service list: by placing the original a true copy thereof enclosed in sealed
envelope(s) addressed as follows:

10 SEE ATTACHED SERVICE LIST

11 BY MAIL: I deposited such envelope in the mail at Fresno, California. The
12 envelope was mailed with postage thereon fully prepaid.

13 As follows: I am "readily familiar" with the firm's practice of collection
14 and processing correspondence for mailing. Under that practice it would
be deposited with U.S. postal service on that same day with postage
thereon fully prepaid at Fresno, California in the ordinary course of
15 business. I am aware that on motion of the party served, service is
presumed invalid if postal cancellation date or postage meter date is more
than one day after date of deposit for mailing in affidavit.

16 (BY PERSONAL SERVICE) I personally delivered such envelope(s) to the office(s) of the
17 addressee(s) listed on the attached service list.

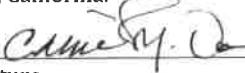
18 (BY FACSIMILE) I faxed the document to the person(s) at the fax number(s) listed in the
19 attached service list. The telephone number of the sending facsimile machine was (559) 438-
20 2080. No error was reported by the fax machine that I used.

21 (BY ELECTRONIC SERVICE) I transmitted electronically by email(s) of the above-referenced
22 document to the addressee(s) at the email addresses listed in the attached service list.

23 (BY OVERNIGHT COURIER) I enclosed said document in an envelope(s) or package(s)
24 addressed to the person(s) at the addresses listed on the attached service list. I placed the
envelope(s) or package(s) for collection and overnight delivery at an office or a regularly utilized
drop box of the overnight service carrier or delivered such document to a courier or driver
25 authorized by the overnight service carrier to receive documents.

26 I declare under penalty of perjury under the laws of the State of California that the above
27 is true and correct. Executed on August 18, 2017, at Fresno, California.

Carrie M. Vue


Signature

SERVICE LIST

Richard C. Watters, Esq. **ORIGINAL** *Attorneys for Plaintiffs*
MILES, SEARS & EANNI
2844 Fresno Street
Post Office Box 1432
Fresno, California 93716
Tel: (559) 486-5200
Fax: (559) 486-5240

Mark B. Canepa, Esq. *Attorney for Defendant Jatinder Chopra, M.D.*
WHITE CANEPA LLP
7690 N. Palm Ave., Ste. 105
Fresno, CA 93711
Tel: (559) 439-0800
Fax: (559) 439-0802

Dominique A. Pollara, Esq. *Attorney for Defendant Rebecca A. Zulim, M.D.*
POLLARA LAW GROUP
3600 American River Dr., Ste. 160
Sacramento, CA 95864
Tel: (916) 550-5880
Fax: (916) 550-5066

108518/1002.0102

-000027-

EXHIBIT “C”

1 RICHARD C. WATTERS, ESQ. - 060162
2 AIDA S. MACEDO, ESQ. - 294632
3 LAW OFFICES OF
4 MILES, SEARS & EANNI
A PROFESSIONAL CORPORATION
2844 FRESNO STREET
P.O. BOX 1432
FRESNO, CALIFORNIA 93716
TELEPHONE (559) 486-5200

(SPACE BELOW FOR FILING STAMP ONLY)

5 Attorneys for Plaintiffs

6
7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF TULARE

10 ***
11 THOMAS J. GRIESBACH, Individually,) NO. 270010
and as Successor in Interest to)
12 the ESTATE OF CHRISTINE L.)
GRIESBACH;)
13 AMY S. FERREIRA; and)
MATHEW J. GRIESBACH;)
14 Plaintiffs,)
15 vs.)
16 TULARE REGIONAL MEDICAL CENTER;)
17 REBECCA A. ZULIM, M.D.;)
JATINDER CHOPRA, M.D.;)
18 and DOES 1 through 20,)
19 Defendants.)
20

) **PLAINTIFFS OFFER TO COMPROMISE**
BEFORE COMMENCEMENT
OF TRIAL
(Code of Civil Procedure
§998)

21 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

22 Plaintiffs, THOMAS J. GRIESBACH, Individually, and as
23 Successor in Interest to the ESTATE OF CHRISTINE L. GRIESBACH; AMY
24 S. FERREIRA; and MATHEW J. GRIESBACH, offers to have judgment taken
25 against Defendant, TULARE REGIONAL MEDICAL CENTER and for
26 themselves in the above-entitled action pursuant to Code of Civil
27 Procedure Section 998 and Civil Code Section 3291, for the sum of
28 Five Hundred and Fifty Four Thousand, Six Hundred and Five

1 Dollars and Twenty-three cents (\$554,605.23), each party to bear
2 his or its own costs.

3 If you accept this offer, your acceptance of the offer may be
4 indicated by signing the statement below entitled "Notice Of
5 Acceptance."

6 If you accept this offer, please file the Offer together with
7 your signed Notice Of Acceptance (below) in the above-entitled
8 action within thirty (30) days after the offer is made, or else it
9 will be deemed withdrawn.

10 DATED: August 29, 2017

11 MILES, SEARS & EANNI

12

13 By: 
14 RICHARD C. WATTERS
15 Attorneys for Plaintiffs

16

17 * * *

18 **NOTICE OF ACCEPTANCE**

19 The above Offer to Compromise in the amount of \$554,605.23 is
20 accepted.

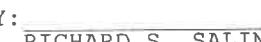
21 DATED: _____

22 WEISS-SALINAS LAW GROUP, INC.

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24

25

BY: 
RICHARD S. SALINAS, ESQ.
ATTORNEYS for Defendant,
TULARE REGIONAL MEDICAL CENTER

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IT IS ORDERED AND DECREED that Judgment be entered pursuant to
this Offer to Compromise of Defendant, TULARE REGIONAL MEDICAL
CENTER to Plaintiffs, THOMAS J. GRIESBACH, Individually, and as

- 2 -

Plaintiffs Offer To Compromise-TRMC.wpd

LAW OFFICES OF
MILES, SEARS & EANNI
& PROFESSIONAL CORPORATION
1444 FRESNO STREET
POST OFFICE BOX 1402
FRESNO CALIFORNIA 937-6

1 Successor in Interest to the ESTATE OF CHRISTINE L. GRIESBACH; AMY
2 S. FERREIRA; and MATHEW J. GRIESBACH [C.C.P., Section 998].

3 DATED: _____

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5 JUDGE OF THE SUPERIOR COURT
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LAW OFFICES OF
MILES, SEARS & EANNI
A PROFESSIONAL CORPORATION
2844 FREEPORT STREET
POST OFFICE BOX 1432
FREEPORT CALIFORNIA 92718

- 3 -

Plaintiffs Offer To Compromise-TRMC.wpd

1 PROOF OF SERVICE BY MAIL - C.C.P. §§1013(a), 2015.5

2 I, Marisa Mendez, declare as follows:

3 My business address is MILES, SEARS & EANNI, 2844 Fresno
4 Street, Post Office Box 1432, Fresno, California, 93716. I am a
5 resident of, or employed in, Fresno County, the county where the
6 following mailing occurs. I am over the age of eighteen years and
7 not a party to the within entitled action. I am readily familiar
8 with the practice of MILES, SEARS & EANNI for collection and
9 processing of correspondence for mailing with the United States
10 Postal Service. In accordance with that practice, correspondence
11 will be deposited with the United States Postal Service on the
12 same date set forth below in the ordinary course of business. On
13 August 29, 2017, I served the within **PLAINTIFFS OFFER TO COMPROMISE**
14 on the interested parties in said action by placing a true copy
15 thereof for deposit in the United States Postal Service at my said
16 place of business. The envelopes were sealed and placed for
17 collection and mailing on that date following ordinary business
18 practices. The names and addresses of the persons served as shown
19 on the envelopes are as follows:

20 Richard S. Salinas, Esq. Attorneys for Defendant,
21 Carol A. O'Neil, Esq. TULARE REGIONAL MEDICAL
WEISS-SALINAS LAW GROUP, INC. CENTER
22 7108 North Fresno Street, Suite 250
Fresno, California 93720

23 I declare under penalty of perjury under the laws of the
24 State of California that the foregoing is true and correct.
25 Executed this 29th day of August, 2017, at Fresno, California.

26

27

Marisa Mendez, Declarant

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